

Message Text

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ORIGIN L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 AF-10 ARA-16 EA-11 EUR-25 NEA-10 ACDA-19 /180 R

DRAFTED BY L:SMSCHWEBEL:CJ

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L/NEA:SNELSON

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

LIMITED OFFICIAL USE STATE 063015

E.O. 11652: N/A

TAGS: UN, PFOR

SUBJ: DEFINITION OF AGGRESSION

REFS: (A) USUN 955 (B) USUN 964 (C) USUN 930

(D) STATE 58128

1. WHILE, AS NOTED IN PARA 3 OF REFTTEL (D), WE FIND PROPOSED NEW INTRODUCTORY LANGUAGE TO PARA 3 OF DEFINITION CONTAINED IN REFTTEL (A) AN IMPROVEMENT, ON REFLECTION WE DO NOT FIND IT TO BE A SUFFICIENT IMPROVEMENT. AS PARA 2 OF REFTTEL (C) NOTES, SUGGESTION OF AUTOMATICITY NEEDS TO BE DELETED.

2. WE ACCORDINGLY SUGGEST YOU MAKE IT CLEAR THAT WE ARE NOT ABLE TO ACCEPT LATEST PROPOSED INTRODUCTORY LANGUAGE TO PARA 3 AND THAT YOU ENDEAVOR TO NEGOTIATE ONE OF FOLLOWING ALTERNATIVES:

(A) OUR LANGUAGE SUGGESTED IN PARA 3 OF REFTTEL (D).

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(B) SUBSTITUTION OF "MAY...CONSTITUTE" FOR "SHALL...
CONSTITUTE".

(C) "ANY OF THE FOLLOWING ACTS, REGARDLESS OF A DECLARA-
TION OF WAR, COULD, SUBJECT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ARTICLE 2, QUALIFY AS AN ACT OF
AGGRESSION:".

(D) THE FOREGOING PARA C, SUBSTITUTING "WOULD" FOR
"COULD".

3. WE RECOGNIZE THAT ALL THESE FORMULATIONS EXCEPT
PERHAPS LAST WILL BE HARD TO CARRY. ATTRACTION OF (C)
AND (D) IS THAT, WHILE CLOSE TO CURRENT PROPOSAL,
"COULD" OR EVEN "WOULD" LACKS IMPERATIVE CONNOTATION OF
"SHALL", AND "QUALIFY AS" IS LESS IMPERATIVE THAN
"CONSTITUTE". IF YOU HAVE ALTERNATIVE SUGGESTIONS
WHICH WOULD REALIZE THESE OBJECTIVES, WE WOULD WELCOME
THEM. RUSH

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Message Attributes

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